

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NAPA VALLEY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012051226

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On May 30, 2012, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH), naming the Napa Valley Unified School District (District). On September 5, 2012, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The District filed an opposition on September 10, 2012. On September 14, 2012, the undersigned administrative law judge issued an order that granted Student's motion to amend the complaint and resetting the timelines for hearing. On September 17, 2012, the District filed a request for reconsideration, which asserted that OAH did not consider the District's arguments regarding Issue 4 in Student's amended complaint. Student did not file a response. On September 17, 2012, the undersigned administrative law judge denied the District's motion for reconsideration because Student's motion to amend was granted based on the new allegations in Issue 3 regarding the District's August 30, 2012 offer.

On September 18, 2012, the District filed a request for clarification, which shall be considered as a request for reconsideration, which asserted that Issue 4 in Student's amended complaint is not an issue for hearing. Student did not file a response.

APPLICABLE LAW

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

## DISCUSSION AND ORDER

The District alleges no new facts, circumstances, or law in support of the request reconsideration based on the District's assertion that the order granting Student's motion to amend was only as to Issue 3. The September 14, 2012 order is sufficiently clear that OAH granted Student's motion to amend as to the entire amended complaint, Issues 1 – 4, and the District's repeated motions border on frivolous and bad faith litigation tactics. (Gov. Code, § 11455.30.) Accordingly, the District's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: September 20, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings